

FINDING AND RECOMMENDATION(S)

Submitted by: The Permit Streamlining Working Group

Finding: Permit Streamlining (Revised V-038)

The existing system to permit fuel reduction projects outside of urban areas is often confusing, sometimes redundant and complex. Elements that require permit streamlining include:

- Planning
- Stream Environment Zones
- Steep Slopes
- Use of Hand Crews and Low-Impact Methods
- Broadcast and Pile Burning
- Monitoring

Recommendation No. 1 (Combined with V-005, Rec. #1)

The Commission recommends the Lahontan Water Board and TRPA revise and expand their MOU no later than October 2008 to delegate authority to permit vegetation and tree removal projects to TRPA, eliminating the need for Lahontan to issue a permit. The intent is to have an expedited single permitting process requiring individuals from either agency to provide the expertise needed to review a given project while ensuring that all relevant environmental laws are met.. Lahontan and TRPA will also amend any affected MOUs, waivers, or plans.

Recommendation No. 1a (Adopt and combine with V-060 Rec.

#2) The regulatory restrictions and limitations presently existing, even as presently modified by the TRPA and the LRWQCB, should be further modified, if not waived, on an expeditious basis and no later than the beginning of the 2008 fire season, to allow the use of readily available mechanized equipment and vehicles within SEZs to allow for the effective, efficient, and economical removal of hazardous materials. Restrictions regarding the use of mechanized equipment in such areas should be greatly and substantially reduced to make such cleaning and clearing activities within SEZs feasible over the period of time reasonably necessary to complete the Community Wildfire Protection Projects relating to the various communities located within the Lake Tahoe Basin.

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Recommendation No. 1b (Language combined from V-106, Recs.

#1 &2): Continue and increase implementation of thinning and prescribed fire treatments in an expeditious manner to promote a fire resilient forest. Prescribed Fire and fuel treatment must be promoted as effective means of managing for a fire resilient forest. Practitioners of prescribed fire should develop educational materials outlining the benefits of prescribed fire and fuel treatments to better inform regulators and the public.

Recommendation No. 2 (Original language replaced; Current language developed in Committee 2/15/08)

The commission recommends that Lahontan and TRPA in cooperation with land management agencies develop a common list of accepted BMPs for mechanical work in SEZs that will be used beginning in the 2008 season to qualify as exempt and qualified exempt projects. In addition to the BMPs used in 2008, a reference guide defining equipment use in SEZs shall be developed by March 2009 and reviewed and updated as new information is collected. This guide will be completed through a cooperative inter-agency effort. TRPA and Lahontan MOUs shall rely on this adaptive process to allow SEZ disturbance as new BMPs are developed and implemented.

Recommendation No. 3 (Combined with V-060, Rec. #3)

The Governors of the States of California and Nevada should request the TRPA Governing Board to expeditiously establish within its ordinances a clear definition, in plain English, setting forth standards as to what constitutes a stream environment zone for the purposes of clearing such areas of hazardous fuels. The standard should be adopted for the purposes of providing a standard that can be uniformly applied by all agencies having environmental regulatory authority in the Basin, eliminating subjective determinations as to such matters, and encouraging the removing fuels materials from SEZs within populated areas of the Basin and the surrounding WUI. The definition should define SEZ areas in appropriate gradients of sensitivity to equipment use and should be applied uniformly on a Basin-wide basis. The Commission further recommends TRPA: (1) update criteria for delineating SEZs on the ground; (2) incorporate the new natural Resources Conservation Service Soil Survey; and (3) clarify secondary criteria for delineating SEZs related to vegetation types, soil characteristics, and floodplain identification. A crosswalk will be developed to reference SEZs to watercourse and lake protection zones (WLPZs) in the California Forest Practice Rules. It is also recommended that the LRWQCB and all other state agencies having jurisdiction over environmental matters within the Basin should be directed by the respective Governors to apply the same uniform definition and standards in determining what constitutes a stream environment zone for their own regulatory purposes within the Tahoe Basin.

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Recommendation No. 3a (Combined with V-060, Rec. #4) : In the interim and, in the event the TRPA does not establish such a uniform definition of SEZ or the standard so adopted is determined to contravene the relevant provisions of the California Forest Practices Act, the Governor of the State of California should direct all California agencies having jurisdiction over environmental matters within the Tahoe Basin, including the LRWQCB, to apply the provisions of the California Forest Practices Act relating to watercourse protection with regard to SEZs in the Basin. The standard practices prescribed by said Act are understood by potential contractors, and their use will eliminate an impediment to bidders for such fuels reduction projects in the Basin. Further, the Governor should require any deviation from the use of such standard forest practices that results in the imposition of stricter standards to be reported by the agency requiring such deviation with an explanation of the environmental and efficiency tradeoffs considered by such agency when requiring stricter standards to be applied.

Recommendation No. 3b (Replaces original Rec. V-109, Rec. #3a)

The Commission recommends TRPA and Lahontan grant exceptions for disturbance within SEZs for the purposes of completing fuel reduction projects (with equipment) necessary to protect public health and safety as identified in the community wildfire protection plans. The Commission recommends both regulatory boards grant blanket exemptions to a group of fuel reduction prescriptions when the tools or operating procedures described in the Reference Guide (as described in Recommendation # 2 above) are developed and implemented.

Recommendation No. 4 (Need to discuss March 6th; overlooked on Feb. 19th)

The Commission recommends for fuel treatment projects with potentially significant environmental impacts all affected regulatory agencies rely on a single or joint environmental analysis and review process (e.g. EIS/EIR) to reach agreement on project specifications, permit conditions, (if applicable), and monitoring.

Recommendation No. 5 (Approve as written)

The Commission recommends raising the minimum diameter limit of live trees requiring a TRPA Tree Removal Permit from 6 inches diameter at breast height (dbh) to 14 inches dbh on all properties throughout the Lake Tahoe Basin.

Recommendation No. 6 (Approve as written)

The Commission recommends allowing winter operations with heavy equipment for fuels reduction over snow or over frozen ground and not in SEZ through the Lahontan Waiver Category 1b or 1c Eligibility Criteria.

Per discussion on February 19th, Delete V-109, Rec. #7**Recommendation No. 8 (Approve as modified and combine with V-023, V-005, Rec. #4, V-036)**

The Commission recommends TRPA and Lahontan Water Board make changes to existing waivers, memoranda of understanding, plans and ordinances such that forest treatment projects involving hand crews are no longer required to submit permit or waiver applications under any circumstances. Projects involving hand crews may be included in an annual spreadsheet submitted by April 1st by the project proponent each year to the Multi-Agency Coordination (MAC) Group or the Tahoe Fire and Fuels Team (TFFT) with project identification, project contact, acres to be treated, and location for all proposed hand thinning treatments. Project proponents may amend the spreadsheet as needed. All agencies and interested public shall have access to this information

Recommendation No. 9 (Adopt with modification)

The Commission recommends TRPA, Lahontan, USDA Forest Service, and other affected agencies amend their plan and ordinances to allow equipment use on slopes greater than 30% based on current and future technology, and current forest practices to ensure resource protection.

Recommendation No. 10 (Approve as written)

The Commission recommends as part of forest fuels reduction projects in SEZs, regulatory agencies allow spreading of chipped material to acceptable depths where appropriate.

Recommendation No. 11 (Approve as written)

The Commission recommends incorporating lessons learned from research and monitoring efforts into future fuel reduction project designs, eliminating the need to continue the same level of monitoring into all projects.

Recommendation No. 11a (Approve as written)

The Commission recommends developing and maintaining a single clearinghouse, such as the Tahoe Integrated Information Management System (TIIMS), for compiling information on fuel reduction projects, including project effectiveness and environmental effects. The Commission further recommends that the USDA Forest Service in collaboration with the Tahoe Science Consortium and the general science community conduct a review of the available scientific literature that may be relevant to forest management practices in the Lake Tahoe Basin. The purpose of the review is to gain a comprehensive understanding of what past research, including studies outside the Lake Tahoe Basin, has discovered that can be applied to the key forest management issues

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that land managers face in the Lake Tahoe Basin. Key topic areas include: Impact of fire on air quality, Key soil properties and conditions (biomass accumulation and fire), Water quality and forest biomass management practices, fire and fuel management including vegetation and wildlife response. (This work was initiated in 2007 and is anticipated to be completed in 2008)

Recommendation No. 11b (Adopt with modifications)

The Commission recommends that where project proponents lack research expertise, any monitoring, research, and evaluation beyond project implementation monitoring or visual monitoring and inspections be conducted by a third party.

Recommendation No. 11c (Approve as written)

The Commission recommends the USDA Forest Service evaluate the available information and identify what types of information are known and what questions still need to be answered for the Tahoe Basin so that any future research or demonstration projects be focused on answering the most important unanswered questions (Anticipated Spring 2008).

Recommendation No. 12 (Approve as written)

The Commission recommends TRPA and Lahontan plans and policies be updated to emphasize the importance of fuel reduction activities in the Tahoe Basin. Revisions of policies shall be focused on facilitating implementation of these projects.

Send Recommendation No. 13 to LFPC for March 6th meeting.

Impacts of Implementation:

REQUIRED analysis of impacts on the following factors:

- ☐ Cost – TRPA, Lahontan and other agency's staff time will be required initially, while streamlining will relieve long term staffing needs of multiple agencies.
- ☐ Funding source – SNPLMA, state grants, state funds
- ☐ Staffing – comprehensive
- ☐ Existing regulations and/or laws – multiple

OPTIONAL analysis of impacts:

- ☐ Operational – improves efficiency and cost effectiveness
- ☐ Social – none
- ☐ Political – positive
- ☐ Policy - none

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- ☐ Health and Safety – assists landowners in achieving fuel reduction goals and reducing wildfire risks.
- ☐ Environmental – assists landowners in reducing the potential for a catastrophic wild fire while ensuring environmental resources are protected. Potential environmental impacts from increased vegetation management and soil disturbance, especially in sensitive habitats. Environmental analysis needed to adopt MOUs, revise waivers and relax existing regulations related to stream zones and steep slopes.
- ☐ Interagency – comprehensive collaboration